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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,204	08/27/2003	Randolph Dunn	22908.00	3494
37833	7590	12/19/2005		
LITMAN LAW OFFICES, LTD PO BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			EXAMINER RUTLAND WALLIS, MICHAEL	
			ART UNIT 2835	PAPER NUMBER

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,204

Applicant(s)

DUNN, RANDOLPH

Examiner

Michael Rutland-Wallis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/27/2003
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the contact switch and the sliding switch must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Repp et al. (U.S. Pat No. 5,721,541) in view of Bratton (U.S. Pat. No. 4,835,512). Bratton teaches a steering wheel high beam switch (Fig. 1) comprising: a steering wheel (item 12) for a vehicle having a front face and a back face, and providing at least one recess (item 16 pocket); a high beam indicator (item 20) positioned within said at least one recess (Fig. 2 and 3). Bratton does not clearly illustrate the switch having three terminals however, Bratton does teach high beam switches are known to contain three modes of operation: off, low beams and high beams see column 1 line 19 and is therefore understood to contain three terminals corresponding to said three modes of operation. As applicant points out in the specification (page 2 lines 9-10) the wiring of Bratton is routed through the rim and spokes of the steering wheel in see column 3 lines 36-45 of Bratton. Bratton's apparatus utilizes an indicator light (item 20) on the steering wheel it would have been obvious to one of ordinary skill in the art at the time of the invention to put the indicator on the dash display in order to house all indication lights in

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the same display. Bratton does not teach placing the recess and high beam switch on the backplane of the steering wheel. Repp teaches the mounting of control switches (item 26) on the back of a steering wheel. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bratton to move the high beam switch to the back face of the steering wheel in order to make activating the high beams with the driver's fingers more convenient.

With respect to claim 2 Repp teaches switch controls mounted on both sides of the back of the steering wheel see figures 3 and 4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bratton to have a second high beam switch similar to the first positioned opposite the first switch on the back of the steering wheel in order to accommodate persons with a left hand or right hand dominance or to enable one switch to turn the light on and another to turn the light off.

With respect to claim 3 and 7 Bratton teaches the high beams switch is a push button switch.

With respect to claim 4 and 8 Bratton does not teach the high beams switch is a toggle switch. Repp teaches the use of rocker and toggle switches to control operation. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a toggle switch similar to the switch seen in Repp to control the high beams switch in order to allow to driver to feel the switch in the on or off position.

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Repp et al. (U.S. Pat No. 5,721,541) in view of Bratton (U.S. Pat. No. 4,835,512) as

applied to claims 1 and 2 above, and further in view of Badarneh (Pub. No. 20030023353).

With respect to claims 5 and 9 while the use of a sliding switch is not illustrated in either reference (nor the instant application) it understood that any type of switch configured to switched from an on position to an off position would be rendered obvious by the above combination. If it is held other wise by the applicant a further modification to include the use a sliding type switches is seen in figure 50 Badarneh would have been an obvious modification to control the actuation of the high beams.

Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Repp et al. (U.S. Pat No. 5,721,541) in view of Bratton (U.S. Pat. No. 4,835,512) as applied to claims 1 and 2 above, and further in view of Wolfe (U.S. Pat No. 6,040,542).

With respect to claims 6 and 10 while the use of a contact switch is not illustrated in either reference (nor the instant application) it understood that any type of switch configured to switched from an on position to an off position would be rendered obvious by the above combination. If it is held other wise by the applicant a further modification to include the use a contact type switches is seen in Wolf (column 3 lines 57-63) would have been an obvious modification to control the actuation of the high beams.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-

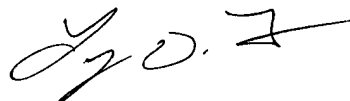
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272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW



LYNN FEILD
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